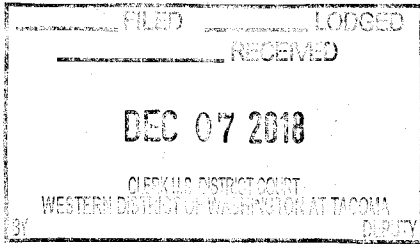


Magistrate Judge Theresa L. Fricke



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOHN SCOTT,

Defendant.

NO. CR 18-5579RBL-24

MOTION FOR DETENTION ORDER

The United States moves for pretrial detention of the Defendant, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because this case involves (check all that apply):

☐ Crime of violence (18 U.S.C. § 3156)

☐ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence of ten years or more

☐ Crime with a maximum sentence of life imprisonment or death

☒ Drug offense with a maximum sentence of ten years or more

☐ Felony offense and defendant has two prior convictions in the four categories above, or two State convictions that would otherwise fall within these four categories if federal jurisdiction had existed

1
2 ☐ Felony offense involving a minor victim other than a crime of violence

3 ☐ Felony offense, other than a crime of violence, involving possession or use
4 of a firearm, destructive device (as those terms are defined in 18 U.S.C.
5 § 921), or any other dangerous weapon

6 ☐ Felony offense other than a crime of violence that involves a failure to
7 register as a Sex Offender (18 U.S.C. § 2250)

8 ☒ Serious risk the defendant will flee

9 ☐ Serious risk of obstruction of justice, including intimidation of a
10 prospective witness or juror

11 2. Reason for Detention. The Court should detain defendant because there are
12 no conditions of release which will reasonably assure (check one or both):

13 ☒ Defendant's appearance as required

14 ☒ Safety of any other person and the community

15
16 3. Rebuttable Presumption. The United States will invoke the rebuttable
17 presumption against defendant under § 3142(e). The presumption applies because:

18 ☐ Probable cause to believe defendant committed offense within five years of
19 release following conviction for a "qualifying offense" committed while on
20 pretrial release

21 ☒ Probable cause to believe defendant committed drug offense with a
22 maximum sentence of ten years or more

23 ☐ Probable cause to believe defendant committed a violation of one of the
24 following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or
25 kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

26 ☐ Probable cause to believe defendant committed an offense involving a
27 victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242,
28 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3),
2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425

1 4. Time for Detention Hearing. The United States requests the Court conduct
2 the detention hearing:

3 ___ At the initial appearance

4 X After continuance of 3 days

5
6 5. Other matters.

7 DATED this 1st day of December, 2018.

8
9 Respectfully submitted,

10 ANNETTE L. HAYES
11 United States Attorney

12 s/ Marci L. Ellsworth

13 MARCI L. ELLSWORTH

14 Assistant United States Attorney

15 1201 Pacific Avenue, Suite 700

16 Tacoma, Washington 98402

17 Phone: (253) 428-3800

18 Fax: (253) 428-3826

19 E-mail: marci.ellsworth@usdoj.gov
20
21
22
23
24
25
26
27
28